

*Minutes of the Regulatory Committee Meeting held in the Council Chambers,
Waipa District Council Offices, 101 Bank Street, Te Awamutu on Monday 27
February 2006 commencing at 9.00am*

1 PRESENT

Councillor D Sharpe, Chairperson

Committee

GC Flay, EC Newlands, BJ Taranaki, GRP Webber

Staff

Deputy Chief Executive - G Dyet, Planning Services Manager - W Allan (until after item 5.2), Environmental Services Manager - J McFarlane, Animal Control Officer – V Byford (item 8.2 only), Environmental Health Officer – K Tutty (item 8.3 only); Environmental Health Officer – B Faris (to item 8.3) Council Secretary - C Shaw.

2 APOLOGIES

RESOLVED

4/06/01

That the apology received from Alan Livingston for non-attendance be received.

Webber/Taranaki

3 LATE ITEMS

There were no late items.

4 CONFIRMATION OF ORDER OF MEETING

File: 01-89-04

RESOLVED

4/06/02

That the order of the meeting be confirmed subject to the item 8.1 Objection to Notice of Classification of Dog “Bart” as a dangerous dog, being withdrawn.

Cr Taranaki/Cr Flay

5 CONFIRMATION OF PREVIOUS MEETINGS

- 5.1 **Meeting of Regulatory Committee 19 December 2005**
File: 01-85-10

RESOLVED
4/06/03

That the minutes of the Meeting of the Regulatory Committee held on 19 December 2005, having been circulated, be taken as read and confirmed as a correct record.

Cr Webber/Cr Newlands

- 5.2 **Decision by Independent Commissioner A Watson: Review of Resource Consent Conditions at Karapiro Domain**
File: 01-85-10

A copy of a decision released by Mr A R Wilson, acting as an Independent Commissioner, in consideration of a review of the conditions which attached to the Karapiro Domain resource consent had been circulated to the Committee.

Planning Services Manager Wayne Allan advised the Committee that the Property Department of the Waipa District Council had appealed the decision of the Commissioner to the Environment Court. Most of the changes requested in the appeal involved clarification of ambiguities contained decision.

Mr Allan informed the Committee that he was reviewing the appeal, and, that he would be meeting with all parties affected by the decision in an attempt to reach an agreement with a view towards obtaining a consent order from the Environment Court. Mr Allan advised that he would refer the matter back to the Regulatory Committee for consideration prior to any settlement proposal being placed before the Environment Court.

RESOLVED
4/06/04

That the Decision by Independent Commissioner A Watson for the Review of Resource Consent Conditions for Karapiro Domain, be received.

Cr Webber/Cr Flay

6 WAIPA DISTRICT LIQUOR LICENSING AGENCY

**6.1 Monthly Schedule of Liquor License Applications Considered
by Staff Under Delegated Authority**

File: 01-85-10

RESOLVED

4/06/05

That the monthly schedule of Liquor License Applications Considered by Staff Under Delegated Authority for December 2005 and January 2006 be received.

Cr Taranaki/Cr Webber

7 GENERAL

**7.1 Matters Considered by Staff Under Delegated Authority –
Resource Management Act 1991**

File: 01-52-01

RESOLVED

4/06/06

That the schedule of Matters Considered by Staff Under Delegated Authority from to 13 December 2005 to 10 February 2006, be received, a copy of which is attached to and forms part of these minutes.

Cr Newlands/Cr Flay

8 HEARINGS

8.1 9.15am

**Objection to Notice of Classification of Dog “Bart” as a
Dangerous Dog. Owner: Peter Clarke**

File: 33-15-07

This item was withdrawn at the request of the Environmental Safety Manager due to a witness changing their evidence prior to the hearing.

8.2 9.36am – 9.52am

**Objection to Notices to Abate Nuisance Caused by Barking
Dogs: Owners Cameron Wright and Donelle Wright**
File: 33-15-07

Those present at the hearing were:

Mrs J McFarlane – Environmental Safety Manager
Ms V Byford – Animal Control Officer
Ms D Wright – Owner of Missy
Mr C Wright – Owner of Tarah
Mrs L Nichols – supporter of D and C Wright
Mr & Mrs Kara – complainants
Rowena Maru – complainant

This was an objection to a notice issued by staff concerning barking dogs located at 46 Shelley Street in Cambridge. The effect of the notice was to permit animal control staff or contractors to remove dogs from the site in the event of further justifiable complaints.

Mrs McFarlane advised that there was another neighbour who had made a complaint but was unable to be at the hearing, however they had advised that since the notice had been issued the nuisance conditions had improved.

The Chairperson welcomed those present and asked everyone to identify themselves to the Committee. She then asked Mrs McFarlane to speak to her report.

In response to questions from the Committee it was confirmed by complainants that the dogs barking had not been such a nuisance for the past month following the issue of the notice by Council staff. It was also reported that Mr C Wright would be leaving the premises with his dog Tarah on 3 March.

The Chairperson asked the submitters if they had anything further to add to their submission. Ms R Maru stated that she thought it was a shame that the issue had come to this stage and said that there was no problem with the dogs themselves, just the barking through the night. Mr & Mrs Kara agreed with this statement.

The Chairperson thanked everyone for the open and frank discussion and advised that this hearing was now closed.

RESOLVED

4/06/07

That

- a) *The report of Mrs Jennie McFarlane, Environmental Safety Manager dated 3 February 2006 be received*
- b) *The Regulatory Committee uphold both "Notice(s) to Abate Nuisance caused by Barking Dog" issued on 10 January 2006 pursuant to Section 55 of the Dog Control Act 1996 for a German Shepherd dog "Tarah" owned by Cameron Wright, and a Golden Labrador dog "Missy" owned by Donelle Wright, both dogs residing at 46 Shelley Street, Cambridge*

8.3 9.52am – 10.16am

Application for Return of Seized Stereo Equipment – Paul Cross, 12A Shelley Street, Cambridge

File: 04510/353.00

Present at the Hearing:

Mrs J McFarlane - Environmental Safety Manager

Mr B Faris - Environmental Health Officer

Mr K Tutty - Environmental Health Officer

Ms R Frey - Select Security

Mr P Cooper - Select Security

Mrs McFarlane and Mr Faris advised that Mr Paul Cross had been written to advising of the time and date of the hearing but no further contact had been made from him. Mr Cross failed to appear at the hearing.

Mr Faris presented his report to the Committee and responded to questions. Clarification was sought as to the means of assessing noise and the process for seizing noise making equipment.

RESOLVED

4/06/08

That

- a) *The report by the Environmental Health Officer, Bryan Faris, dated 7 February 2006 be received.*

Cr Newlands/Cr Webber

- c) *That Council refuse the return of the stereo pursuant to Section 336 of the Resource Management Act 1991 as it is not satisfied that the return of the stereo would not result in the resumption of excessive noise.*

- d) *That the applicant be informed that he may make appeal to the Environment Court under Section 336(3) for the return of the seized equipment.*

Cr Webber/Cr Flay

There being no further business the meeting closed at 10.26am

CONFIRMED AS A TRUE AND CORRECT RECORD

CHAIRPERSON: _____

DATE: _____